

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LEANTHONY WINSTON,)	Case No.: 1:24-cv-0837 JLT HBK
)	
Petitioner,)	ORDER ADOPTING IN FULL THE FINDINGS
)	AND RECOMMENDATIONS, DISMISSING THE
v.)	PETITION FOR FAILURE TO STATE A CLAIM,
)	DENYING PLAINTIFF’S MOTIONS FOR
B.M. TRATE,)	INJUNCTIVE RELIEF, AND DIRECTING THE
)	CLERK OF COURT TO CLOSE THIS CASE
Respondents.)	
)	(Docs. 3, 7, and 9)
)	

LeAnthony Winston, a federal prisoner, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 asserting two grounds for relief: (1) cruel and unusual punishment, and (2) deprivation of due process. (Doc. 1 at 1-2.) Petitioner also seeks temporary restraining orders and a preliminary injunction. (Docs. 3, 7.)

The magistrate judge reviewed the allegations of the petition and observed that the “claims are premised on [Petitioner’s] allegation that he was restricted from using his phone and/or message service and denied access to mail and his legal papers, which in turn interfered with his post-conviction process, including his claim of actual innocence.” (Doc. 9 at 3.) The magistrate judge found, “[b]ecause the success of neither claim would not lead to Petitioner’s immediate or earlier release from confinement, ... the Petition fails to state a cognizable habeas claim.” (*Id.*) Therefore, the magistrate judge recommended “the Petition be dismissed for lack of federal habeas jurisdiction.” (*Id.* at 4.) The magistrate judge found it was not appropriate to convert the matter to a civil rights

1 action. (*Id.* at 4-5.) Finally, the magistrate judge recommended Petitioner's motions for injunctive
2 relief be denied due to the failure to state a cognizable claim under Section 2241. (*Id.* at 5.)

3 The Court served the Findings and Recommendations on Petitioner and notified him that any
4 objections were due within 14 days. (Doc. 9 at 6.) The Court advised Petitioner that the "failure to file
5 objections within the specified time may result in the waiver of certain rights on appeal." (*Id.*, citing
6 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did not file objections, and the
7 time to do so has passed.

8 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
9 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
10 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendations dated August 27, 2024 (Doc. 9) are **ADOPTED** in
12 full.
- 13 2. The petition is **DISMISSED** for failure to state a cognizable habeas claim.
- 14 3. Petitioner's motions for injunctive relief (Docs. 3 and 7) are **DENIED**.

15
16 IT IS SO ORDERED.

17 Dated: September 19, 2024


UNITED STATES DISTRICT JUDGE